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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 SAN FRANCISCO DIVISION

19 COBALT PARTNERS, LP, et al.,) Case No. 3:16-cv-02263-WHA
Plaintiffs,)
20 vs.) STIPULATION AND [PROPOSED]
SUNEDISON, INC., et al.,) SCHEDULING ORDER
Defendants.)
23 _____)

24 [Caption continued on following page.]

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1 GLENVIEW CAPITAL PARTNERS, L.P., et al.,) Case No. 3:16-cv-02264-WHA
2)
3 Plaintiffs,)
4)
5 vs.)
6 SUNEDISON, INC., et al.,)
7)
8 Defendants.)
9)
10 OMEGA CAPITAL INVESTORS, L.P., et al.,) Case No. 3:16-cv-02268-WHA
11 Plaintiffs,)
12)
13 vs.)
14 SUNEDISON, INC., et al.,)
15)
16 Defendants.)
17)
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1 Pursuant to the Court's instruction during the August 18, 2016 hearing in the above-
2 captioned actions, the parties, by and through their respective undersigned counsel of record, submit
3 the following stipulation and proposed order:

4 WHEREAS, on March 28, 2016, the action captioned *Cobalt Partners, LP, et al. v.*
5 *SunEdison, Inc., et al.* ("Cobalt") was filed in the Superior Court of California, San Mateo County;

6 WHEREAS, on March 29, 2016, the action captioned *Glenview Capital Partners, L.P., et al. v.*
7 *SunEdison, Inc., et al.* ("Glenview") was filed in the Superior Court of California, San Mateo
8 County;

9 WHEREAS, on March 30, 2016, the action captioned *Omega Capital Investors, L.P., et al. v.*
10 *SunEdison, Inc., et al.* ("Omega") was filed in the Superior Court of California, San Mateo County;

11 WHEREAS, on April 26, 2016, defendants removed the *Cobalt*, *Glenview* and *Omega*
12 actions to federal court;

13 WHEREAS, on August 12, 2016, defendants, pursuant to extensions of time previously
14 agreed to by plaintiffs and granted by the Court, filed eight motions to dismiss the *Glenview* and
15 *Omega* complaints and two joinders on a variety of grounds (*see Omega* Dkt. Nos. 118, 120, 121,
16 123, 125; *Glenview* Dkt. Nos. 129, 131, 133, 134, 136) (collectively, the "Motions");

17 WHEREAS, pursuant to N.D. Cal. Civ. L.R. 7-3, plaintiffs' responses to the Motions would
18 be due by August 26, 2016, and defendants' replies would be due by September 2, 2016;

19 WHEREAS, the hearing on the Motions was set for September 22, 2016, a date on which
20 plaintiffs' counsel is unavailable;

21 WHEREAS, in the *Cobalt* action, defendants' motion to dismiss is fully briefed, and on
22 August 4, 2016, the Court entered an order postponing the hearing on the motion to dismiss until a
23 date to be determined after resolution of the pending motions to remand and transfer;

24 WHEREAS, a hearing on motions to establish an MDL proceeding including the *Cobalt*,
25 *Glenview* and *Omega* actions is set for September 29, 2016 in Washington D.C. and the hearing on
26 motions to remand or transfer the *Terraform Global Inc. IPO* actions pending in front of Judge
27 Freeman is set for October 6, 2016;

28

1 WHEREAS, due to the number and complexity of the issues raised in defendants' Motions
2 and in light of other pending or anticipated filings in these actions, plaintiffs have requested
3 additional time to prepare their responses to defendants' Motions; and

4 WHEREAS, the Court, at the August 18, 2016 hearing, said it would grant plaintiffs an
5 additional two weeks and defendants an additional one week to submit their opposition and reply
6 briefs on the Motions.

7 NOW THEREFORE, the parties hereby agree and stipulate to the following:

8 1. Plaintiffs' oppositions to the Motions shall be filed on or before September 9, 2016;
9 2. Defendants' replies in support of their Motions shall be filed on or before
10 September 23, 2016; and

11 3. The hearing on the motions to dismiss in the *Cobalt*, *Glenview* and *Omega* actions
12 shall be reset for October 13, 2016 or such other date as may be determined by the Court.

13 IT IS SO STIPULATED.

14 DATED: August 22, 2016

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* * *

O R D E R

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 22, 2016.


THE HONORABLE WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE